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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/868,893	07/05/2001	Fumio Negoro	210436USXPCT	8685

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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

ZHEN, WEI Y

ART UNIT PAPER NUMBER

2122

DATE MAILED: 06/01/2004

5

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/868,893

Applicant(s)

NEGORO, FUMIO

Examiner

Wei Y Zhen

Art Unit

2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This office action is in response to the application filed on 7/5/2001.
2. Claims 1-39 are pending.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-39 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

As per claim 1, the claim recites “created by a method other than the Lyee development method, as a new program having a structure in accordance with the Lyee development method...” and “...a plurality of program components having a structure in compliance with the Lyee development method...”. These limitations are not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Since these limitations are not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention, the examiner is not

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able to apply a prior art search, and therefore a prior art rejection is not applied in this office action.

Claims 2-9 depend on claim 1 and are rejected for the reason set forth in the rejection of claim 1.

As per claim 10, the claim recites “**created by a method other than the Lyee development method**, as a new program **having a structure in accordance with the Lyee development method...**” and “...a plurality of program components **having a structure in compliance with the Lyee development method...**”. These limitations are not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Since these limitations are not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention, the examiner is not able to apply a prior art search, and therefore a prior art rejection is not applied in this office action.

Claims 11-20 depend on claim 10 and are rejected for the reason set forth in the rejection of claim 10.

As per claim 21, the claim recites “...a plurality of program components which construct a Lyee program...”. These limitations are not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Since these limitations are not described in the specification in

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such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention, the examiner is not able to apply a prior art search, and therefore a prior art rejection is not applied in this office action.

Claims 22-30 depend on claim 21 and are rejected for the reason set forth in the rejection of claim 21.

As per claim 31, the claim recites “...created by a method other than the Lyee development method, as a new program having a pallet structure in accordance with the Lyee development method...”. These limitations are not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Since these limitations are not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention, the examiner is not able to apply a prior art search, and therefore a prior art rejection is not applied in this office action.

Claim 32 depends on claim 31 and is rejected for the reason set forth in the rejection of claim 31.

As per claim 33, the claim recites “...a plurality of program components constructing a Lyee program...”, “created by a method other than the Lyee development method, as a new program having a pallet structure in accordance with the Lyee development method...”. These limitations are not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the

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invention. Since these limitations are not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention, the examiner is not able to apply a prior art search, and therefore a prior art rejection is not applied in this office action.

Claims 34-38 depend on claim 33 and are rejected for the reason set forth in the rejection of claim 33.

As per claim 39, the claim recites “**created by a method other than the Lyee development method**, as a new program **having a structure in accordance with the Lyee development method...**” and “...a plurality of program components **which constructs a Lyee development method...**”. These limitations are not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Since these limitations are not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention, the examiner is not able to apply a prior art search, and therefore a prior art rejection is not applied in this office action.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-20, 31-32, 39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claim 1 recites the limitation "...the Lyee development method..." in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claims 2-9 depend on claim 1 and are rejected for the reason set forth in the rejection of claim 1.

Claim 10 recites the limitation "...the Lyee development method..." in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claims 11-20 depend on claim 10 and are rejected for the reason set forth in the rejection of claim 10.

Claim 31 recites the limitation "...the Lyee development method..." in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 32 depends on claim 31 and is rejected for the reason set forth in the rejection of claim 31.

Claim 39 recites the limitation "...the Lyee development method..." in line 3. There is insufficient antecedent basis for this limitation in the claim.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wei Y Zhen whose telephone number is (703) 305-0437. The examiner can normally be reached on Monday-Friday, 8 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached on (703) 305-4552. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wei Zhen
5/27/2004



WEI Y. ZHEN
PRIMARY PATENT EXAMINER